

OCT 21 2022

Clerk, U.S. Courts  
District of Montana  
Missoula Division

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
BUTTE DIVISION

STEPHEN P. KELLY,  
General Delivery,  
U.S. Post office,  
Cody, Wyoming 82414,  
Plaintiff,

vs.

UNITED STATES POSTAL SERVICE, a  
federal agency, and JOEL BACHOFER  
in his official capacity, 2201  
Baxter Lane, Bozeman, MT 59718,  
Defendant(s).

## CIVIL COMPLAINT

Comes now the Plaintiff in the above styled action and does show cause for complaint as follows:

(1) This is an action sustained by, STEPHEN P. KELLY, hereinafter, Plaintiff KELLY, and sues the defendant's, UNITED STATES POSTAL SERVICE, a federal agency, and JOEL BACHOFER, in his official capacity, jointly, alleging:

(A) Personal injury, and (B) undue mail delay causing medical injury, and (C) severe mail interference causing physical injury!

## PARTIES

(2) Plaintiff STEPHEN P. KELLY, is a continuous customer of the United States Post office in Bozeman, Montana and utilizes

the Local mail Service of that concise office upon a pattern.

(3) Plaintiff KELLY, is in fact a customer of the ALBERTSONS OSCO pharmacy at the Bozeman-Montana Location, and is a patient of their medication mail Service!

(4) Governmental defendant's, the UNITED STATES POSTAL SERVICE, exists as federal mail delivery, and mail pick up service at which serves a widespread numeration of business entities some of which that mails out medications from certain pharmacies!

(5) Capacity defendant, JOEL BACHOFER, acts in his official capacity as the official Postmaster of the Local Bozeman post office located in Bozeman-Montana.

## NATURE OF THE CASE

(6) This concise case is predicated upon the incompetent aspects of the "intentional" undue delay of United States mail, the severe and lengthy time interference with medical mail causing injury, and a relation of personal injury at the hands of a Local U.S. Post office!

(7) Intentional failure of mail pick up rises here!!

## JURISDICTION AND VENUE

(8) Defendant, UNITED STATES POSTAL SERVICE, is a federal agency sufficing this court's subject matter jurisdiction.

(9) Capacity defendant, JOEL BACHOFER, is an employee of a federal agency, the UNITED STATES POSTAL SERVICE, and acts in his official capacity sufficing this court's subject matter jurisdiction.

(10) Plaintiff STEPHEN P. KELLY, is a citizen of the United States, and is a citizen of the State of Montana, and has resided in Montana at all times material to this action.

(11) Natural defendant, SOEL BACHOFER, is a citizen of the State of Montana, and is a citizen of the United States, and has resided in Montana at all times material to this action.

(12) Venue is proper in the District of Montana federal court because each event giving rise to this action occurred in the District of Montana. 28 U.S.C. § 1391.

### STATEMENT OF FACTS

(13) commencing on September 13<sup>th</sup>, 2022, the concise pharmacy division of the ALBERTSON'S OSCO pharmacy located in Bozeman-Montana set out a package of U.S. mail obtaining a very sincere contents of important medic-

-ation's for KELLY, existing of sincere seizure medication's, (Keppra), diabetic medication's, thyroid medication's, and sincere cardiac medication's to be picked up by the local assigned U.S. mail carrier for the Bozeman ALbertson's store!

(14) Despite the U.S. Postal Service requirement and firm federal mandate as to a carrier's obligation in which to attend each and every business at which the carrier is in fact assigned, and his or her obligation to pick up any and all outgoing mail, the concise assigned carrier for the osco-pharmacy-ALbertson's store on September - 13<sup>th</sup>, 2022, right out failed to attend the Bozeman ALbertson's store neglecting to stop and pick up the outgoing package of medication's to be mailed out to KELLY, in Cody, Wyoming, causing severe medical injury upon KELLY!

(15) Here, a clear non comparable act at the hands of defendant's is shown, where the concise Bozeman Post office obtains its own local policy where if there is merely no incoming mail to be solely delivered to a certain business in Bozeman, then the assigned mail carrier will refrain from so much as attending that concise business and refuses with clear intent to stop and pick up all outgoing mail, where exists here as non-comparable to isolated mail delivery, this is "[non-unequally balanced]"!!!

(16) Federal Legislation clearly dictates U.S. mail delivery, and this can nudge over the legal of a Fourteenth Amendment violation pursuant to equal protection under the law!

(17) In result of defendant's, intentional neglect in non-equal mail service, and their intentional neglect to arrive

and to pick of the vitally important package containing KELLY'S sincere medication's, KELLY, in fact suffered severe medical injury, and was placed into a Wyoming hospital where his mail containing medication's did not arrive in time causing a death risk existing of; (a) a diabetic shock, including (b) a severe diabetic coma, where KELLY did not awake and come out of for a lengthy period of time, and KELLY, in fact suffered a severe seizure in result of his (Keppra) being delayed at the hands of the U.S. Postal Service, and at the direct intentional neglect of the concise local Bozeman mail carrier assigned to the local Albertson's store mail route at 200 S. 23rd Ave., Ste. C-1, Bozeman, Montana 59718. (c). Medical records will clearly suffice a plausible claim to exists as an exhibit during the proper court discovery stage.

(18) KELLY, here and above, shows that this civil complaint does contain sufficient factual matter in which he clearly states a claim upon which relief that here is so plausible, and here KELLY, clearly pleads factual content at which allows this court to draw a reasonable inference that the defendant's are liable for the misconduct here alleged!! KELLY clearly meets the legal criteria of; (Ashcroft v. Iqbal, 556 U.S. 662, 678, 2009).

(19) Here, now KELLY alleges sufficient facts clearly showing that defendant, JOEL BACHOFER, the Local Bozeman postmaster, is also and clearly liable for the misconduct alleged, here where defendant, BACHOFER, a postal supervisor, and final policymaker of the specific Bozeman Local post office, does have in place at his own direction a local mail carrier policy at which

Stipulates that in any event that a concise delivery carrier does not have any incoming mail for a certain business, ALbertson's in this case, then the carrier is not required in which to arrive at such business in which to merely pick up any outgoing mail, here in this case, mail obtaining medication's from the ALbertson's osco pharmacy!!

(20) KELLY, now clearly shows, and demonstrates how joint defendant's obtain Liability as to "intentional" neglect of the competent delivery of his medication's, and shows how joint defendant's obtained clear foreknowledge that the mail pick up at ALbertson's-osco pharmacy did in fact have within the outgoing package actual medication's within the package! Important!! It is so obvious here that any U.S. Postal carrier of any competence would in fact obtain

"common sense" in which to know that a widespread numeration of most mail to be sent out from a pharmacy is in fact per say medication's, concisely with an official mail order system such as the osco pharmacy at Albertson's!

#### CLAIM ONE

(21) It is clearly unequal, and non-comparable to incoming mail to be delivered per U.S. Postal carrier, yet outgoing mail is ignored, and neglected with clear intent, depriving Plaintiff here of obtaining his much needed medication's to be mailed out in a timely fashion!

#### CLAIM TWO

(22) By non equal mail delivery at the hands of the Bozeman-post office, Plaintiff has in fact

SUFFERED SEVERE MEDICAL INJURY  
CAUSED SOLELY BY JOINT DEFENDANTS!

### CLAIM THREE

(23) U.S. mail delivery is governed by federal legislation and equal mail delivery as to incoming mail and outgoing mail shall be sufficed by the fourteenth Amendment secured under equal protection of the Law!!!

### RELIEF

WHEREFORE, upon the premises considered, it is respectfully requested upon this honorable court for the entry of a judgement as follows:

(A) Find the civil complaint PLAUSIBLE upon its face.

(B) Find that Plaintiff has alleged sufficient facts and has asserted actual matter showing

that defendant's are in fact  
Liable for the misconduct  
alleged!

(c) Find that Plaintiff has  
asserted a cognizable legal  
theory upon which this court  
can draw a reasonable inference  
that Plaintiff is entitled to  
relief as such!

(D) A civil jury trial process is  
requested.

(E) Award Plaintiff with  
actual medical damages in an  
amount of, \$165,000.

I declare under penalty of  
perjury the foregoing to be true  
and correct.

Signed this 30<sup>th</sup> Day of  
September, 2022.

Stephen P. Kelly  
(SIGNATURE OF PLAINTIFF)